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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,545	07/25/2003	Motoki Kato	275929US6CONT	3594

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/23/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/23/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/627,545

Applicant(s)

KATO ET AL.

Examiner

Girumsew Wendmagegn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,8 and 15-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8 and 15-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/25/2003, 1/19/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim1, 3-5, 8, 15-16, 18-30,32-37,39-51,53-58 and 60-64** is rejected under 35 U.S.C. 102(e) as being anticipated by Okuyama et al (patent Number US 5,987,126).

Regarding claim1 and 8, Okuyama et al anticipates an information processing apparatus comprising: an extractor operable to extract main information including copy control information and auxiliary information representing attributes of said main information from input information (see figure4 element 41), generator operable to generate copy permission information based on said extracted auxiliary information if an apparatus that recorded said main information did not recognize and process said copy control information (see figure4 element 42); and an adder operable to add said copy permission information generated by said generation to said main information extracted by said extractor(see figure4 element 44)

Regarding claim3, 18, Okuyama et al anticipates the information processing apparatus according to claim 1 wherein: said main information is a transport stream (see column3 line 23-25); and said auxiliary information is information indicating a mode in which said main information is encoded (see column12 line 40-47 CGMS).

Regarding claim4 and 19, Okuyama et al anticipates the information processing apparatus according to claim 3 wherein said copy permission information is added to said main information by said adder for each transport packet of said transport stream (see column14 line 24-39).

Regarding claim5 and 20, Okuyama et al anticipates the information processing apparatus according to claim1 wherein: said input information is received through an IEEE1394 digital interface (see figure4 IEEE1394 interface); and said auxiliary information is an encryption mode indicator (EMI) (see column12 line 40-47 CGMS).

Regarding claim15, Okuyama et al anticipates the information processing apparatus of claim 1, further a splitter operable to split the input information into a plurality of isochronous packets, each having an Encryption Mode Indicator (EMI) associated therewith (see column13 line 38-41); and an analyzing circuit operable to select a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column14 line 24-39).

Regarding claim 16, Okuyama et al anticipates the information processing apparatus of claim 15, further comprising an EMI-CPI encoder operable to generate a Copy Permission Indicator (CPI) corresponding to the EMI having the strongest copy restriction mode (see column 14 line 24-39).

Regarding claim 21, Okuyama et al anticipates the information processing method of claim 8, further comprising the step of: splitting the input information into a plurality of isochronous packets, each having an Encryption Mode Indicator (EMI) associated therewith (see column 13 line 38-41); and selecting a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column 14 line 24-39).

Regarding claim 22, Okuyama et al anticipates the information processing method of claim 21, further comprising the step of generating a Copy Permission Indicator (CPI) corresponding to the EMI having the strongest copy restriction mode (see column 14 line 24-39).

Regarding claim 23, 26, Okuyama et al anticipates an information processing apparatus comprising: an extractor operable to extract main information including copy control information (CCI) and auxiliary information representing attributes of said main information from input information (see figure 4 element 41); a flag generating circuit

operable to generate a flag indicating that said information processing apparatus is a non-cognizant recorder that is not capable of decoding the extracted CCI (see figure4 element 44); and a recorder operable to record said generated flag along with said main information to a recording medium(see figure4 element 18).

Regarding claim24, 27, Okuyama et al anticipates the information processing apparatus of claim 23, wherein said flag is indicative that said CCI of said main information is invalid (column14 line 24-39).

Regarding claim25, 28 the information processing apparatus of claim 24, wherein said flag is interpreted by a cognizant recorder reading said main information from said recording medium (see column14 line 24-30).

Regarding claim29, 35, 44, 47, 50 and 56, Okuyama et al anticipates an information processing apparatus comprising: an extractor operable to extract main information including copy control information and auxiliary information representing attributes of said main information from input information (see figure4 element4); an analyzing circuit operable to analyze said copy control information (see figure4 element 42); an encoder operable to convert said copy control information into new copy control information when it is determined that said copy control information is valid(see figure4 element 44); a generator operable to generate copy permission information based on said extracted auxiliary information if an apparatus that recorded said main information

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did not recognize and process said copy control information; and an adder operable to add said copy permission information generated by said generation and said new copy control information to said main information extracted by said extractor (see figure 4 element 44).

Regarding claim 30, 51, Okuyama et al anticipates the information processing apparatus according to claim 29 wherein said generator is further operable to generate said new copy control information when it is determined that said copy control information is invalid (see column 14 line 24-39).

Regarding claim 32, 39, 53 and 60, Okuyama et al anticipates The information processing apparatus according to claim 29 wherein: said main information is a transport stream (see column 3 line 23-25); and said auxiliary information is information indicating a mode in which said main information is encoded (see column 12 line 40-47 CGMS).

Regarding claim 33, 40, 54 and 61, Okuyama et al anticipates The information processing apparatus according to claim 32 wherein said copy permission information is added to said main information by said adder for each transport packet of said transport stream (see column 14 line 24-39).

Regarding claim 34, 41, 55 and 62, Okuyama et al anticipates the information processing apparatus according to claim 29 wherein: said input information is received through an IEEE1394 digital interface (see figure 4 IEEE1394 interface); and said auxiliary information is an encryption mode indicator (EMI) (see column 12 line 40-47 CGMS).

Regarding claim 36, 42, 57 and 63, Okuyama et al anticipates the information processing method of claim 35, further comprising: splitting the input information into a plurality of isochronous packets, each having an Encryption Mode Indicator (EMI) associated therewith (see column 13 line 38-41); and selecting a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column 14 line 24-39).

Regarding claim 37, 43, 58 and 64 Okuyama et al anticipates the information processing method of claim 36, wherein an EMI-CPI encoder generates a Copy Permission Indicator (CPI) corresponding to the EMI having strongest copy restriction mode (see column 14 line 24-39).

Regarding claim 45, 48, Okuyama et al anticipates the information processing apparatus of claim 44, wherein said flag is indicative that said CCI of said main information is invalid (column 14 line 24-39).



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Regarding claim 46, 49, Okuyama et al anticipates the information processing apparatus of claim 24, wherein said flag is interpreted by a cognizant recorder reading said main information from said recording medium (see column 14 line 24-30).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2, 17, 31, 38, 52, 59** rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama et al (patent Number US 5,987,126) as applied to Claim 1, 3-5, 8, 15-16, 18-30, 32-37, 39-51, 53-58 and 60-64 above, and further in view of Shima et al (patent number US 6,298,196).

Regarding Claim 2, 17, 31, 38, 52, 59, see the teaching of Okuyama et al above. Okuyama does not teach validity of copy permission information based upon whether said apparatus that recorded said main information recognized and processed said first copy control information. However Shima et al teaches validity of copy permission information based upon whether said apparatus that recorded said main information recognized and processed said first copy control information (see column 3 line 13-32)

One of ordinary skill in the art at the time the invention was made would have been motivated to determine the validity of copy permission information based on whether apparatus recognized and processed copy control information as in Shima et al in to Okuyama system because it would make the system much effective in copyright protection.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thai Tran

Supervisory Patent Examiner

Girumsew Wendmagegn